

**REMARKS**

Reconsideration of the application is respectfully requested.

In response to the rejections under 35 U.S.C. §112, second paragraph, all claims have been reviewed and revised to place them in better US format and care has been taken to obviate each of the Examiner's specific objections.

The provisional allowance of claims 16-20 is appreciatively noted.

The rejection of claims 1, 9-10 and 12-13 under 35 U.S.C. §102(b) as allegedly anticipated by Kurokawa et al.(JP 54-065,474) is respectfully traversed.

The teaching of Kurokawa fails to disclose every element of the claimed inventions. Particularly, inter alia, the teaching of Kurokawa does not teach the steps of forming a second polysilicon film with a second surface having a higher flatness compared to a first surface of a first polysilicon film and patterning the second polysilicon film and the first polysilicon film to remove said the polysilicon film and form a third surface of the second polysilicon layer.

The teaching of Kurokawa only shows a first polysilicon film 8 formed on a silicon substrate 6 having a SiO<sub>2</sub> film 7 thereon by using mixed gas of SiH<sub>4</sub> and inert carrier gas He, a second polysilicon film 9 formed on the first polysilicon film 8 by using mixed gas of SiH<sub>2</sub>Cl<sub>2</sub>. Kurokawa et al. are silent about differences between the flatness

of the surfaces of the first polysilicon film 8 and the second polysilicon film 9 and the patterning of the first polysilicon film 8 and the second polysilicon film 9 to remove the second polysilicon film 9 and form a third surface of the first polysilicon film 8.

Furthermore, the teaching of Kurokawa fails to show the steps of forming a patterned photoresist layer on the second polysilicon film 9, performing a dry etching process by using the patterned photoresist layer as an etching mask to etch the second polysilicon film 9 and the first polysilicon film 8 until the second polysilicon film 9 is removed and a third surface of the first polysilicon layer 8 is formed and removing the photoresist layer.

Therefore, Kurokawa actually fails to disclose every element of the claimed invention of at least independent claim 1 – let alone the added features of dependent claims 9, 10, 12 and 13.

The rejection of claims 2-8, 11, 14-15 and 21-39 under 35 U.S.C. §103(a) as allegedly being made “obvious” by Kurokawa.

The teaching of Kurokawa fails to disclose the steps of forming a second polysilicon film with a second surface having a higher flatness comparing to a first surface of a first polysilicon film and patterning the second polysilicon film and the first polysilicon film to remove said the polysilicon film and form a third surface of the second polysilicon layer. The teaching of Kurokawa only shows a first polysilicon film 8

formed on a silicon substrate 6 having a SiO<sub>2</sub> film 7 thereon by using mixed gas of SiH<sub>4</sub> and inert carrier gas He, a second polysilicon film 9 formed on the first polysilicon film 8 by using mixed gas of SiH<sub>2</sub>Cl<sub>2</sub>. Kurokawa et al. are silent about differences between the flatness of the surfaces of the first polysilicon film 8 and the second polysilicon film 9 and the patterning of the first polysilicon film 8 and the second polysilicon film 9 to remove the second polysilicon film 9 and form a third surface of the first polysilicon film 8.

Furthermore, the teaching of Kurokawa fails to show or suggest the steps of forming a patterned photoresist layer on the second polysilicon film 9, performing a dry etching process by using the patterned photoresist layer as an etching mask to etch the second polysilicon film 9 and the first polysilicon film 8 until the second polysilicon film 9 is removed and a third surface of the first polysilicon layer 8 is formed and removing the photoresist layer.

Therefore, Kurokawa actually fails to disclose or suggest every element of the claimed inventions.

There must be some suggestion or motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. There also must be a reasonable expectation of success and the modified (as

HAN et al.  
Serial No. 10/690,665  
June 27, 2005

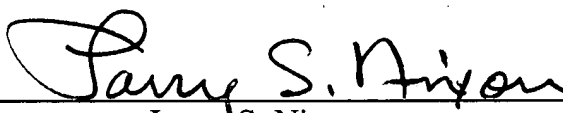
suggested) prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since the teaching of Kurokawa fails to teach or suggest all the claim limitations, this is clearly insufficient to render the claimed invention unpatentable.

Accordingly, this entire application is believed to be in allowable condition and a formal Notice to that effect is respectfully requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
Larry S. Nixon  
Reg. No. 25,640

LSN:vc  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100